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 15

16 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

17  
 18 SUNSTONE INFORMATION DEFENSE,  
 INC.,

19 Plaintiff,

20 v.

21 F5, INC.,

22 Defendant(s).

23 Case No. 4:21-cv-09529 YGR

24  
 25 **PLAINTIFF SUNSTONE INFORMATION**  
**DEFENSE, INC.'S UNOPPOSED**  
**ADMINISTRATIVE MOTION FOR**  
**LEAVE TO FILE DOCUMENTS UNDER**  
**SEAL**

26  
 27 Date: February 11, 2025  
 Time: 2:00 p.m. PT  
 Court Rm: 1, 4<sup>th</sup> Floor

1 **TO DEFENDANTS AND THEIR COUNSEL OF RECORD, PLEASE TAKE NOTICE:**

2 Plaintiff SunStone Information Defense, Inc. has set a hearing before the Honorable Judge  
 3 Yvonne Gonzalez Rogers for February 11, 2025 at 2:00 p.m. PT for Plaintiff's Unopposed Motion  
 4 to Vacate Judgment and Claim Construction Order Pursuant to Fed. R. Civ. P. 60(b) ("Motion").  
 5 The hearing and Motion are supported by the Declaration of Christopher Hanba and exhibit  
 6 thereto, the supporting Memorandum of Points and Authorities, and any arguments to be made at  
 7 oral argument. Please take notice that the February 11, 2025 hearing will take place in person at  
 8 the Oakland Courthouse, Courtroom 1 – 4<sup>th</sup> Floor, 1301 Clay Street, Oakland, CA 94612.

9 Pursuant to Civil Local Rules 7-11 and 79-5(d), Plaintiff SunStone Information Defense,  
 10 Inc. ("SunStone") respectfully files this Administrative Motion For Leave to File Documents  
 11 Under Seal. The materials include certain confidential portions of SunStone's Motion and  
 12 confidential exhibits attached to the Declaration of Christopher E. Hanba In Support of SunStone's  
 13 Motion, filed concurrently with this Motion. Counsel for F5 does not oppose this Motion.

14 **I. LEGAL STANDARD**

15 The public holds a presumptive right of access to public records, including pretrial filings  
 16 in civil cases. *See Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006);  
 17 *In re Midland Nat. Life Ins. Co. Annuity Sales Pracs. Litig.*, 686 F.3d 1115, 1119 (9th Cir. 2012).  
 18 Generally, a party seeking to seal a judicial record bears the burden of overcoming this  
 19 presumption by articulating "compelling reasons supported by specific factual findings" to justify  
 20 sealing the records at issue. *Kamakana*, 447 F.3d at 1178. However, "the usual presumption of the  
 21 public's right to access does not apply to non-dispositive motions with the same strength it applies  
 22 to dispositive motions." *Dugan v. Lloyds TSB Bank, PLC*, 2013 WL 1435223, at \*1 (N.D. Cal.  
 23 Apr. 9, 2013) (citing *In re Midland*, 686 F.3d at 1119). Because a motion to determine whether  
 24 vacatur is warranted based on the parties' settlement is only tangentially related to the merits of  
 25 the underlying cause of action, it constitutes a non-dispositive motion. *See id.* at 1179 (quotations  
 26 omitted). In the context of non-dispositive motions, the party seeking to place and keep  
 27 information under seal need only make a showing of good cause. *See id.* at \*1-2.

1        “[T]o the extent that the documents discuss or disclose the terms of [a Settlement  
 2 Agreement agreed to by the parties], good cause exists to permit filing under seal.” *Prosurance*  
 3 *Grp., Inc. v. Liberty Mut. Grp., Inc.*, No. 10-CV-2600-LHK, 2011 WL 704456, at \*1 (N.D. Cal.  
 4 Feb. 18, 2011) (citing *Phillips ex rel. Estates of Byrd v. General Motors Corp.*, 307 F.3d 1206,  
 5 1212 (9th Cir. 2002) (noting that courts have granted protective orders to protect confidential  
 6 settlement agreements); *Shinn v. Baxa Corp.*, No. 07-cv-01648, 2008 U.S. Dist. LEXIS 57681,  
 7 \*4-5 (D. Nev. July 7, 2008) (permitting parties to file under seal settlement agreement that was the  
 8 subject of motion)).

9        The Stipulated Protective Order filed as Modified by this Court (“Protective Order”)  
 10 provides the process for filing information under seal in this matter in Section 15.4 “Filing  
 11 Protected Material.” Doc. No. 96.

12        **II. MATERIALS SOUGHT TO BE SEALED BY PLAINTIFF SUNSTONE**

13        SunStone submits that compelling reasons exist for the sealing of the following documents  
 14 and portions of documents identified in the table below:

16 <b>Document To Be Filed Under Seal</b>	17 <b>Portion Under Seal</b>	18 <b>Description of Sealable Information</b>
17        Exhibit A	18        Entire Exhibit	19        Confidential Settlement 20        Agreement entered into by 21        SunStone and F5 on 22        December 20, 2024, 23        providing the exact terms of 24        the settlement between the 25        parties.

22        SunStone does not seek to conceal the parties’ arguments related to its Motion. SunStone  
 23 seeks only to seal material that is specific to the Settlement Agreement between SunStone and F5,  
 24 which discloses the exact terms of the settlement between the parties. *See Prosurance Grp., Inc.*,  
 25 2011 WL 704456, at \*1.

1           **III. CONCLUSION**

2           For the foregoing reasons, SunStone respectfully requests that the Court grant this motion  
 3 and allow SunStone to file under seal the above referenced information.

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 5  
 6 Dated: January 3, 2025

Respectfully submitted,

7           DICKINSON WRIGHT PLLC

8           /s/ Christopher E. Hanba  
 9           Christopher E. Hanba

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PLAINTIFF'S MOTION TO VACATE JUDGMENT  
AND CLAIM CONSTRUCTION ORDER

CASE NO. 4:21-CV-09529-YGR